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NASA Policy Directive

NPD 1371.1GEffective Date: November 06,
2002Expiration Date: November 06,
2012**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change

(NASA Only)

Subject: Waivers Of the Residence Abroad Requirement for Employees of NASA Contractors and Grantees (Revalidated 08/10/07)

Responsible Office: Export Control & Interagency Liaison Division

1. Policy

National policy regarding certain foreign nationals that are in the United States on the J-1 Exchange Visitor Program is to require that they return to their home country for a period of two years upon expiration of their approved exchange program. While waivers to this policy are possible, requests for such waivers should be minimized, in particular, requests for NASA to intervene as an interested U.S. Government Agency. However, if warranted by the circumstances and if the criteria of NPR 1371.1 can be satisfied, NASA may intervene and submit a request for waiver of the 2-year home country physical presence requirement on behalf of an exchange visitor that is supporting a NASA contract, grant, or cooperative agreement. Such requests will be processed pursuant to the procedures and guidelines in NPR 1371.1.

2. Applicability

This Directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities.

3. Authority

- a. 8 U.S.C. Section 1182(e), Section 212(e) of the Immigration and Nationality Act, as amended.
- b. 42 U.S.C. Section 2473(c)(1), Section 203(c)(I) of the National Aeronautics and Space Act of 1958, as amended.

4. Applicable Documents

- a. NASA Procedures and Guidelines (NPR) 1371.1.
- b. 22 U.S.C. Section 2452.
- c. 8 CFR Section 212.7(c)
- d. 22 CFR Section 62-Exchange Visitor Program.

5. Responsibility

a. The Director, Export Control and Interagency Liaison Division, Office of External Relations is responsible for the following:

(1) Final review and approval for submission of a waiver request to the U.S. Department of State of contractor, grantee or cooperative agreement partner requests for waiver of the two-year home country physical presence requirement where NASA is asked to be an interested U.S. Government Agency; and

(2) Rendering advice and making recommendations in connection with such waiver requests, as appropriate.

b. Center Directors, in coordination with the Enterprise Associate Administrators/Institutional Program Officers, are responsible for ensuring that only those waiver requests which merit approval for NASA to act as an interested U.S. Government Agency are forwarded to the Director, Export Control and Interagency Liaison Division, Office of External Relations.

c. Each Center Director is responsible for ensuring the appropriateness of NASA acting as an interested U.S. Government Agency in a particular case, that other waiver alternatives are not available or are not appropriate, and that waiver applications forwarded to the Director, Export Control and Interagency Liaison Division, Office of External Relations are legally sufficient and contain all information necessary for review and further processing.

d. Each Contracting Officer/Grants and Cooperative Agreements Officer or designee is responsible for the following:

(1) Documenting waiver requests in accordance with applicable procedures where approval is sought for NASA to act as an interested U.S. Government Agency, and/or

(2) Informing the requesting party when a request is denied.

6. Delegation of Authority

None.

7. Measurements/Verification

The means of measuring adherence with policy shall be the number of waivers actually requested by NASA every year, which shall be recorded by the Office of External Relations. Because the number of waivers sought should be minimized, any significant increase in volume, especially over a period of 2 or more years, should be examined to ensure compliance.

8. Cancellation

NPD 1371.1F, dated November 6, 2002

REVALIDATED ON 8/10/07 ORIGINAL SIGNED 11/06/02 BY

**/s/ Sean O'Keefe
Administrator**

Attachment A: (Text)

(URL for Graphic)

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